GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector & District Magistrate, YSR District, Kadapa in respect of Sri Masineni Shankar @ Machineni Shankar @ Musineni Shankar @ Hawala Shankar, S/o Late Subbaiah, aged 47 years, Yerraguntakota village, Obulavaripalli Mandal, Y.S.R.District , Now residing at D.No.47, Gajapathy Street, Chennai Nagar, Chennai City-30, Tamilnadu State-Confirmed – Orders – Issued.

GENERAL ADMINISTRATION (SC.I) DEPARTMENT

G.O.RT.No. 2520 **Dated: 09-11-2017**

Read the following:-

1. From the C & DM., YSR District, Kadapa, Proc. Ref. C1/ 502/ M/2017, Dated 14.09.2017.
2. G.O.Rt.No. 2155, G.A.(SC.I) Dept., dated 25.09.2017.
3. Govt. Letter No.246/SC.I/A3/2017-2, Dated 29.09.2017.
4. From the Advisory Board Report Dated: 30.10.2017.

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ORDER:

WHEREAS the Collector & District Magistrate, YSR District, Kadapa has made an order of detention, vide reference first read above under section 3 (1) & (2) read with Section 2 (g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against Sri Masineni Shankar @ Machineni Shankar @ Musineni Shankar @ Hawala Shankar, S/o Late Subbaiah, aged 47 years, Yerraguntakota village, Obulavaripalli Mandal, Y.S.R.District , Now residing at D.No.47, Gajapathy Street, Chennai Nagar, Chennai City-30, Tamilnadu State, for illicit Red Sanders trees felling, theft and its transport smuggling to secret and unknown places in India apart from other Countries, causing will full destruction and damage to the public property besides a tremendous loss of National wealth, deletion of green cover resulting ecological balance having ramification on the health and well being of public order;

2. AND WHEREAS the Government have accorded approval of the said detention order under sub-section (3) of Section 3 of the Act, vide Government Orders second read above;

3. AND WHEREAS, Under Section 10 of the Act, Government within three weeks from the date of detention of a person under the order shall place the case before the Advisory Board on Preventive Detentions, constituted under Section 9 of the said Act, comprising of Justice Sri T.L.N. Reddy (Retired), Chairman and two other Member and the Advisory Board shall submit its report to Govt., within seven weeks from the date of detention under Section 11(1) of the said Act. The above said

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case was placed before the Advisory Board for its consideration and to submit its report to Government, under Section 11 (1) of the said Act, vide reference 3rd read above. The case was reviewed by the Advisory Board on 30.10.2017. After having heard the detenu and the Investigating Officers and also upon perusing the grounds of detention and the connected records, has reported that in its opinion, "there is sufficient cause for the detention of the detenu, Sri Masineni Shankar @ Machineni Shankar @ Musineni Shankar @ Hawala Shankar, S/o Late Subbaiah, aged 47 years, Yerraguntakota village, Obulavaripalli Mandal, Y.S.R.District , Now residing at D.No.47, Gajapathy Street, Chennai Nagar, Chennai City-30, Tamilnadu State".

4. AND WHEREAS, the Government on careful examination of the entire record, it is observed that the detenu, Sri Masineni Shankar @ Machineni Shankar @ Musineni Shankar @ Hawala Shankar, S/o Late Subbaiah, aged 47 years, Yerraguntakota village, Obulavaripalli Mandal, Y.S.R.District , Now residing at D.No.47, Gajapathy Street, Chennai Nagar, Chennai City-30, Tamilnadu State, was involved in as many as in Ten (10) cases. The above cases were registered against him, under the provisions of Section 20(1) C(i) (ii) (iii) (iv)(vi) & (X), 20(d)(i)(a)(b),(ii) (a)(b) &29 (2)(b), (4) (a) (i)(ii) (b) & 68 of A.P. Forest Act, 1967 and Amendment Act No.15 of 2016; under section 51 of Wild Life Protection Act, 1972; Rule 3 of A.P. Sandal Wood and Res Sanders Wood Transits Rules, 1969; Sec.3 of PDPP Act, 1984 and Sec.147,148,307,353,379 (Theft of National Property), 120 (B) r/w 109 r/w 149 IPC. The details shows that he is a habitual offender and a master mind behind the said offences. He has been organizing the illicit felling of red sanders theft and its transport smuggling to secret and unknown places in India apart from smuggling of Red sanders wood to other states from the reserve forest areas owned by the Government and supplying to other smugglers. He has been illegally smuggling red sanders wood duly cutting them from the pristine red sanders forests to the other parts of the country in the highly organized manner in connivances with other kingpin smugglers and also hand-in-glove with other notorious smugglers of contraband red sanders wood, who are smuggling the same across the international borders. The said activities are dangerous to forest wealth and prejudicial to maintenance of public order apart from disturbing the peace, tranquillity, social harmony / order in the society and he became a source of potential danger to the public. The said offences are punishable under Forest Act, 1967 and the rules made there under, as well as Chapter XVI or XVII or XXII of IPC. As such the activities of the individual falls under and within the meaning of 'Goonda' as defined under Section 2(g) of Act 1 of 1986. All the incidents mentioned in the grounds of detention clearly substantiate as to how the acts of the detenu are prejudicial to the maintenance of public order. In catena of decisions, the Hon'ble Courts held that any acts of attempt or illegal cutting of the red sander trees and smuggling the timber, would certainly have its impact on the public order. The detaining authority having taken into account and consideration of indulgence of the detenu in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb his illegal activities, has passed the detention order against the detenu by invoking the provisions under the Act 1 of 1986, in order to prevent him from indulging further in such activities, which

(contd...3)

are prejudicial to maintenance of public order and dangerous to forest wealth. The Advisory Board after review of the case, has opined that there is sufficient cause for the detention of the Detenu. As such, the detenu deserves the maximum period of detention, as provided under Section 13 of the Act;

5. Now, therefore, after due consideration of the report of the Advisory Board and the material available on record, Government, in exercise of the powers conferred under Sub-Section (1) of Section 12 read with Section 13 of the said Act, hereby confirm the Order of Detention made by the Collector & District Magistrate, YSR District, Kadapa in the ref. 1st read above, as approved in the G.O. 2nd read above and direct that the detention of Sri Masineni Shankar @ Machineni Shankar @ Musineni Shankar @ Hawala Shankar, S/o Late Subbaiah, aged 47 years, Yerraguntakota village, Obulavaripalli Mandal, Y.S.R.District , Now residing at D.No.47, Gajapathy Street, Chennai Nagar, Chennai City-30, Tamilnadu State, be continued for a period of 12 (Twelve) months from the date of his detention, i.e. 15.09.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DINESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

To

Sri Masineni Shankar @ Machineni Shankar @ Musineni Shankar @ Hawala Shankar, S/o Late Subbaiah, aged 47 years, Yerraguntakota village, Obulavaripalli Mandal, Y.S.R.District , Now residing at D.No.47, Gajapathy Street, Chennai Nagar, Chennai City-30, Tamilnadu State **through** the Superintendent of Jails, Central Prison, Kadapa, YSR District.

The Superintendent of Jails, Central Prison, Kadapa, YSR District (He should serve the Order on the detenu immediately under proper dated acknowledgment and arrange to read over and explain the contents of the same in the language known to the detenu and report compliance to the Government forthwith)

The Collector & District Magistrate, YSR District, Kadapa.

The Superintendent of Police, YSR District, Kadapa.

The Divisional Forest Officer, Proddatur, YSR District.

Copy to:

The Director General of Police, A.P., Mangalagiri, Guntur District.

The Director General and Inspector General of Prisons and Correctional Services, A.P., Vijayawada.

The Addl. Director General of Police (Intelligence), A.P., Vijayawada.

The Spl. Govt. Pleader, attached to Learned Advocate General, A.P., Hyderabad.

Sc/Sf.

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)